

## REMARKS

Claims 96-133 are pending in the application. Claims 102 and 112-133 were withdrawn. Claims 96 and 100 were amended. Claims 134-151 were added. Claims 96-101, 103-111, and 134-151 accordingly remain pending in the application.

The Examiner rejected independent claim 96 under 35 U.S.C. § 103 as being unpatentable over Kono et al., U.S. Patent No. 4,766,088 in view of Fujii, et al., U.S. Patent No. 5,470,771. Applicant traverses this rejection. Applicant respectfully submits that because the Examiner has not demonstrated an adequate motivation to combine Kono and Fujii, the Examiner has not established a *prima facie* case of obviousness. Claim 96 recites that “said sixth conductive film and said fifth conductive film having different conductivities” and that “said first conductive film has a conductivity different from the conductivity of said second conductive film.” The Examiner admits that Kono does not teach these limitations. *See* Office Action at 3. However, the Examiner alleges it would be obvious to modify Kono according to Fujii “because in such a way the device will operate more effectively.” *See id.* Applicant respectfully disagrees.

Applicant respectfully submits that Examiner's stated rationale for combining Kono and Fujii is merely conclusory and falls far short of the “clear and particular” showing required to establish a motivation to combine. *See In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Indeed, the entirety of the Examiner's reasoning in the present Office Action is that one of ordinary skill in the art would have been motivated, at the time of the invention, to combine Kono and Fujii “because in such a way the device will operate more effectively.” This certainly is not a “clear and particular” showing of a motivation to combine.

Even assuming there were a motivation to combine the teachings of Kono and Fujii (which Applicant submits is not the case and is certainly not shown to be otherwise by the present Office Action), Applicant submits that the combination would not result in the invention of claim 96. For example, Applicant submits that, at a minimum, the proposed combination of Kono and Fujii would not teach the limitation “said sixth conductive film and said fifth conductive film having different conductivities,” as Fujii fails to teach or suggest a “semiconductor device” having a “first transistor having a composite gate structure” and a “second transistor having a single gate structure.”

Therefore, for at least this additional reason, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness, with respect to claim 96.

Applicant thus submits that claim 96 is patentably distinct over the cited references. Furthermore, Applicant submits that dependent claims 97-101 and 103-111, which depend from independent claim 96, are patentably distinct over the cited references for at least the reasons specified for claim 96.

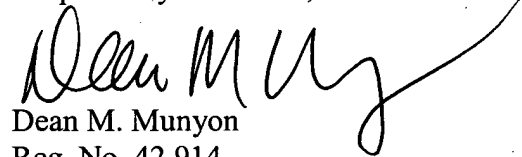
Applicant further submits that newly added claims 134-151 are also patentably distinct over the cited references. Applicant submits, for example, that Kono does not teach or suggest “wherein said first conductive film and said third conductive film are fabricated from a first common polysilicon layer, and wherein an impurity concentration of said first conductive film and an impurity concentration of said third conductive film are independent of one another,” as is recited in independent claim 134. Applicant further submits that Fujii does not supply this missing limitation, as Fujii does not teach or suggest “a semiconductor memory device” (see Abstract cited by Examiner) and therefore cannot teach or suggest “a memory transistor having ... a first conductive film” *and* “a peripheral transistor having ... a third conductive film,” wherein “said first conductive film and said third conductive film are fabricated from a first common polysilicon layer, and wherein an impurity concentration of said first conductive film and an impurity concentration of said third conductive film are independent of one another.” Applicant therefore submits that independent claim 134 and dependent claims 135-151 are patentably distinct over the cited art for at least these reasons.

**CONCLUSION:**

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5957-82403.

Respectfully submitted,



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